

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5 TO CLARIFY AND AMEND THE ADMINISTRATIVE PERMIT PROCESS AND TO ALLOW SPECIAL EXCEPTIONS AND SPECIAL PERMITS TO BE APPROVED AS PART OF A REZONING

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine and clarify requirements for processing land development applications; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, adoption of the attached amendments to Article 5 support good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, That amendments to Article 5 related to the administrative permit process and the approval of special exceptions and permits in conjunction with rezoning applications are hereby initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following represents the proposed changes for consideration:

ARTICLE 5

ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS

PART 5

5-000

GENERAL PROVISIONS

5-001

Purpose and Intent

1. There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given district. These uses as described may be allowed to locate within certain designated districts under the controls, limitations and regulations of an administrative permit, special permit, or special exception.
2. A. The Zoning Administrator shall issue administrative permits under the provisions of this article if it is determined that the proposed use meets the standards set forth in this article.
B. The BZA shall issue special permits under the provisions of this Article when it determines that such use will be compatible with the neighborhood in which it is to be located.

~~3. In addition, there are instances similar to those in which a use may be appropriate under a special permit, including cases in which standards and regulations specified for certain uses allowed within a given district should be allowed to be varied within limitations in the interest of sound development. Such uses as described may be allowed to locate within a given designated district under the provisions of special exceptions.~~

C. The Board shall issue special exceptions under the provisions of this Article when it concludes that such action will not be incompatible with existing or planned development in the general area.

3. While the same standards shall be applied in the evaluation of the impact and compatibility of uses proposed under both the special permit and special exception provisions of this Article, the issues involved in special permits under consideration by the BZA involve primarily the immediate neighborhood to be affected. Special exceptions involve issues concerning the neighborhood as well as potential impacts on the general area, the Comprehensive Plan and, in some cases, the County as a whole. ~~(Special exceptions can be granted by the Board. Special permits can be granted by the BZA only.)~~

~~4.B~~ Notwithstanding anything in the Zoning Ordinance to the contrary:

A. when an applicant must seek a special exception and a special permit for a single project, all of the requirements for the special permit shall be addressed by the Board of Supervisors as part of the special exception process and the applicant shall be exempt from seeking separate, additional approval from the Board of Zoning Appeals. Subsequent to issuance, all amendments shall be processed by the Board of Supervisors.

B. any use requiring special permit or special exception approval shall be exempt from such additional special permit or special exception approval where 1) such use was specifically requested and approved as part of a rezoning application, with location and character of the proposed use shown and addressed on the concept development plan for the rezoning, and 2) compliance with the specific standards in this article were addressed in proffers as part of the rezoning application.

5. The BZA and Board shall stipulate, where appropriate, conditions and restrictions in the granting of special permits and special exceptions respectively to assure the use will be compatible with the neighborhood in which it is to be located and will meet the standards

contained herein; or where that cannot be accomplished, to deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development allowed by right in the area.

6. The burden of proof lies with the applicant to demonstrate that the proposed use is consistent with the purpose and intent of the applicable zoning district and satisfies the standards contained hereinafter.
7. The Board or BZA may impose a condition that specific uses allowed by right on a property subject to a special use permit or a special exception shall not be commenced unless:
 - A. ~~(1)~~authorized by an amendment to the issued special use permit or special exception; or
 - B. ~~(2)~~the property owner elects to void his permit or special exception through delivery of a written notarized statement of relinquishment to the Zoning Administrator.

This limitation shall be included as a condition upon each issued special use permit or special exception.

5-002

Authorization

1. In consideration of an application filed with the Zoning Administrator, ~~the Zoning Administrator,~~ the BZA and the Board may authorize the establishment of those uses that are expressly listed respectively as ~~administrative,~~ special permit uses and special exception uses in a particular zoning district provided, however, that no such permit shall be required for a use allowed as a permitted use in such district.
2. No ~~administrative permit use,~~ special permit use or special exception use shall be authorized unless such use complies with all the applicable standards of this Article 5 and all other applicable requirements of this Ordinance.

5-003

Limits on Authority

1. Neither the ~~Zoning Administrator,~~ BZA nor the Board shall have the authority to vary, modify or waive any of the regulations or standards prescribed for any use or purpose for which an ~~an~~ ~~administrative,~~ special permit or special exception is required, and any such modification, variance or waiver shall ipso facto nullify the action of the BZA or Board in issuing, respectively, any special permit or special exception hereunder. The discretion of the ~~Zoning Administrator,~~ BZA and Board shall be limited to determinations with respect to the standards applying to the use or purpose covered by the applicant.

2. This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which an application is made for a variance on an allegation of hardship.
3. The jurisdiction of the Zoning Administrator, BZA and the Board, with respect to any use or purpose for which such body is authorized to issue, respectively, administrative permits, special permits and special exceptions, shall be confined to the consideration of the question of conformity to the provisions of this Ordinance.
4. The BZA and Board shall issue respectively, the special permit or special exception applied for, subject to whatever conditions and restrictions are deemed necessary and appropriate under the provisions of Section 007 below, provided that so conditioned and restricted all applicable requirements of this Ordinance are met.

5-004

Status of Administrative Permit Uses, Special Permit Uses and Special Exception Uses

1. Any use for which an administrative permit is granted by the Zoning Administrator, special permit is granted by the BZA, or a special exception is granted by the Board, and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed in accordance with Section 007 below, shall be deemed to be a permitted use on the lot for which it was approved.
2. Once a special permit or special exception has been granted, however, the use shall not be enlarged, extended, increased in intensity or relocated unless an application is made for a new administrative permit, special permit or special exception; except that the BZA and the Board may specifically waive or modify requirements for obtaining additional permits for the enlarging, extending, increasing in intensity or relocation of previously approved special permit or special exception uses in unusual cases when the change is not significant.

5-005

Establishment of Categories

For the purpose of applying specific conditions upon certain types of administrative, special permit and special exception uses and for allowing such uses to be established only in those zoning districts which are appropriate areas for such uses, all administrative, special permit and special exception uses are divided into categories of associated or related uses as hereinafter set forth in this Article 5.

5-006

General Standards For Special Permit and Special Exception Uses

In addition to the special standards set forth hereinafter for specific uses, ~~with regard to particular special permit and special exception uses, all~~

~~such~~ all special permit and special exception uses shall also satisfy the following general standards:

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.
3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.
4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.
5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 7.
6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.
7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.
8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

5-007

Conditions and Restrictions

1. ~~General~~— The BZA and the Board respectively, in granting special permits or special exceptions, may impose such conditions, safeguards and restrictions upon the proposed uses as may be deemed necessary in the public interest to secure compliance with the provisions of this Ordinance.

Conditions may include, but need not be limited to the following:

- A. The hours of operations.
- B. Access to the subject property.
- C. Protection of surface and groundwater.
- D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
- E. Adequate sewer and water supplies.
- F. Sound limitations as needed to ensure peaceful enjoyment of neighbors.
- G. The location, size, height, design of building, walls, fences, landscaping and buffer yard.
- H. Covenants and/or homeowners association for maintenance of applicable restrictions.
- I. Timing or phasing of development.
- J. Utilities underground.
- K. Control of smoke, dust and odor.
- L. Bonding as required to ensure standards are met and plans are implemented.

2. The Zoning Administrator may apply similar conditions to the approval of an administrative permit, but only to the extent that such condition is necessary in order to secure compliance with specific standards set forth for the use.

5-008

Time Limitations, Extensions, Renewals

In addition to the time limit set forth in this Article, the BZA and the Board, respectively, may require as a condition to the issuance of any special permit or special exception, that it shall be issued for a specified

period of time; that it may be subsequently extended for a designated period by the Zoning Administrator, or that it may be periodically renewed by the body granting such approval. The procedure of granting an extension or renewal shall be as presented in Section 012 and 013 below. A time limit may only be placed by the Zoning Administrator on an administrative permit to the extent the specific standards for that use authorize such limits for a particular use.

5-009

Application for Administrative Permit, Special Permit or Special Exception

1. An application for an administrative permit, special permit or special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, or any official, department, board or bureau of any government. A contract purchaser, lessee or owner of an easement must file with the application a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.
2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete and shall be accompanied by those submission requirements set forth in Section 011 below, such specific information as may be required for a given category or use, and such additional information as may be required by the BZA or Board. The application shall be accompanied by a fee established in accordance with the provisions of Section 13-107. No application shall be deemed to be on file with the County until all required submissions and payments have been presented.
3. The Zoning Administrator shall refer the application to any agency or review body as may be specified for a particular Category or use or as deemed appropriate by the Zoning Administrator. Such referral will be made expeditiously upon filing of the application. The Zoning Administrator will take action necessary to see that the advertising requirements of Section 13-111 are met for hearings conducted in connection with this Section. For those administrative permits where the standards for the use specify special notice requirements, the Zoning Administrator will take the action necessary to see that such notice requirements are met.
4. Application for a special permit shall be filed not later than twenty-four (24) calendar days prior to the date of the BZA meeting at which it will first be placed on the agenda. At that meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110.
5. Application for a special exception shall be submitted not later than forty (40) calendar days prior to the first Planning Commission meeting at which it may be considered and must be filed not later

than thirty (30) calendar days prior to said meeting. An application is considered officially filed if the Department accepts it after review. At the first meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110. The Commission shall, not later than its next regular monthly meeting, unless an extended period is mutually agreed to by the applicant and the Commission, forward a recommendation concerning the proposal to the Board. Failure to act at this time, unless tabled with the concurrence of the applicant, shall be deemed action to recommend approval.

6. The Board shall hold a public hearing on all applications for special exceptions in accordance with the provisions of Section 13-110, at its earliest regularly scheduled meeting for which the notice requirements of Section 13-111 can be met following the date of Commission action on a recommendation concerning such applications.
7. The BZA or Board shall render a decision on all applications for special permits and special exceptions, respectively, not later than at its body's second regular monthly meeting following the hearing (except for cases delayed in accordance with Section 5-010). This time limit may be extended by either body, through the consent of the applicant, and if comments or reports have not been received from other agencies and/or review bodies (other than the Commission) which are either specified for a particular category or use, or are deemed necessary by the BZA or Board.

8. The Zoning Administrator shall render a decision on all applications for administrative permits within 30 days of a complete submission.

5-010 Site Location Plan Approval

- ~~1. Review by the Commission in accordance with the provisions of Section 15.2-2232, Code of Virginia, shall be conducted concurrently with the Commission's review of special exceptions concerning the use, if such special exception is required.~~
- ~~2. The Commission shall hold a public hearing in accordance with the provisions of Section 13-110 of this Ordinance concerning all uses subject to review in accordance with the provisions of Section 15.2-2232, Code of Virginia, as amended.~~

5-011 Additional Submission Requirements

- I. Special Permits
All applications for special permit shall be accompanied by the following items in addition to those items that may be listed for a particular category in parts that follow:

1. Explicit statement of proposed use (may be on application form).
2. A scale drawing(s) at a scale of not less than 1"=100' (1"=200' for residential development, major, in the Rural and R-1 zoning districts) showing:
 - A. Property lines.
 - B. Abutting streets with names or route numbers.
 - C. Location of all existing and proposed buildings or uses.
 - D. Highway entrance(s) and driveways.
 - E. Off-street parking and loading spaces, showing number of spaces provided.
 - F. Front, side and rear elevations of any proposed building.
 - G. Landscaping if applicable.
 - H. Such drawing shall be submitted in four (4) copies on sheets not exceeding 30 x 42 inches.
3. A copy of the applicant's purchase agreement or sales contract if applicant is a contract owner.
4. Any other information requested by the BZA (not required as part of original submission).

II. Special Exceptions

All applications for special exception shall be accompanied by the following applicable items in addition to those items that may be listed for a particular category in the parts that follow:

1. Ten (10) copies of an application on forms provided by the County, completed and signed by the applicant.
2. Ten (10) copies of a Conflict of Interest Statement provided by the County, completed and signed by the applicant.
3. Ten (10) copies of a plat drawn to a designated scale determined by consultation with the Director or his designated agent, containing the following information as applicable:
 - A. Boundaries of entire property, with bearings and distances on all boundary lot lines.
 - B. Total area of the property in square feet or acres.
 - C. Scale and arrow north.
 - D. Public right(s)-of-way, including names, route numbers and width.

- E. Proposed means of ingress and egress to the property from a public street(s).
 - F. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line.
 - G. Where wells and/or septic fields are proposed, soils analysis/information indicating general feasibility of proposed use or indication that the subject property is served by public water and/or sewer. Where appropriate, a statement from the Health Department indicating that available facilities are adequate for the proposed use.
 - H. A map (3 inches by 3 inches) giving the general vicinity of the subject property.
 - I. Where applicable seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, limits of clearing, landscaping and screening, outside lighting, loud speaker, required and/or proposed improvements to public right(s)-of-way.
 - J. Seal and signature of person certifying the plat.
4. Ten (10) copies of a statement of justification to include the following as applicable:
- A. Type(s) of operation(s).
 - B. Hours of operation.
 - C. Estimated number of patrons/clients/patients/pupils/etc.
 - D. Proposed number of employees/attendants/teachers, etc.
 - E. Qualifications of application and operators of the proposed use. Where applicable, submit a copy of professional or occupational certification or license.
 - F. Estimate of traffic impact of proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
 - G. Vicinity or general area to be served by the use.
 - H. For other than residential development, description of building facade and architecture of proposed new building or additions

- I. A statement that the proposed use conforms to the provisions of all applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such Ordinance, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
5. Four (4) copies of the Fauquier County Parcel Identification Map with the subject property highlighted in red.
6. OPTIONAL - Photographs of the property showing existing structures, terrain and vegetation.
7. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.
8. Where applicable, any other information as may be required by the provisions of Articles 4 and 5 or requested by the Board or Commission which may not be required as a part of the original submission.
9. An application fee as provided for in accordance with Section 13-107.

5-012

Extension of Special Permit or Special Exception (by the Zoning Administrator)

1. The application for an extension of a special permit or special exception shall be filed with the Zoning Administrator in accordance with the provisions of Paragraphs 1 and 2 of Section 009 above. The application shall be filed within thirty (30) to sixty (60) days before the expiration date of the special permit or special exception.
2. The Zoning Administrator shall inspect the use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the BZA or Board; and make a determination on whether the special permit or special exception use still satisfies the applicable standards of this Ordinance. The Zoning Administrator shall also notify the applicable approving authority that request has been filed.
3. Upon a favorable finding, the Zoning Administrator shall issue an extension of the special permit or special exception for the period of time that may be specified for a particular category or use or that may have been specified by the BZA or the Board. Upon an unfavorable finding, the application shall be denied and such an

action shall be subject to appeal in accordance with the provisions of Part 3 of Article 13.

4. All Ordinances and regulations, in effect at the time an application for an extension is filed, shall apply to the use in the same manner as when a new special permit or special exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

5-013

Renewal of a Special Permit or Special Exception (by the BZA or Board)

1. The procedure for the renewal of a special permit or special exception shall be the same as specified in Section 009 above for the issuance of the original permit or exception, unless the BZA or Board shall specifically waive or modify such procedure for a given permit or exception or unless the procedure is qualified for a particular category or use. The application for a renewal shall be filed ninety (90) days before the expiration date of the permit or exception.
2. All Ordinances and regulations, in effect at the time an application for a renewal is filed, shall apply to the use in the same manner as when a new special permit or exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

5-014

Expiration of a Special Permit or Special Exception

With the exception of public uses, whenever an administrative permit, special permit or special exception is issued by the Zoning Administrator, BZA or Board, the activity authorized thereby shall be established and construction authorized shall be diligently ~~prosecuted~~ pursued within such time as the permit ~~BZA or Board may have~~ specified or, if no such time has been specified, then within one (1) year after the effective date of such permit or exception, ~~unless an extension shall be granted by the BZA or Board because of the occurrence of conditions unforeseen at the time of the granting of the special permit or special exception.~~ If the use or construction has not commenced within a period of one (1) year, ~~unless an extension is granted,~~ such administrative permit, special permit or special exception shall automatically expire without notice. The BZA or Board may grant an extension to a special permit and special exception because of the occurrence of conditions unforeseen at the time of granting the special permit or special exception, upon application by the original permittee for such extension.

Revocation of an Administrative Permit, Special Permit or Special Exception

1. Unless a time limit is specified for an administrative permit, special permit or special exception, the same shall be valid for an indefinite period of time but shall be revocable on the order of the Zoning Administrator, BZA or Board at any time because of the failure of the owner or operator of the use covered by the permit or exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special permit or special exception that were designated in issuing the same.
2. Before revoking any special permit or special exception, however, the BZA or Board shall give the holder thereof at least fifteen (15) days written notice of violation. The BZA or Board shall hold a hearing on the revocation of the permit or exception and shall give the applicant at least fifteen (15) days advance written notice of the hearing date.
3. Notice of revocation of an Administrative permit shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48) hours of the date upon which the appeal is received. Within twenty-four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.
4. ~~3-~~The foregoing provisions shall not be deemed to preclude the use of the other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

Contesting a Special Exception Decision

Every action contesting a decision of the Board granting or failing to grant a special exception shall be filed within thirty (30) days of such decision with the Circuit Court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by

the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-107

Administration and Standards for Manufactured Dwellings

1. Administration

- ~~A. An application as provided for in Section 009 above, the Zoning Administrator may issue an Administrative Special Permit for those uses so authorized in 3-301.3.~~
- ~~B. The application for an Administrative Special Permit for a manufactured dwelling shall be filed at least 30 days prior to the date on which the permit is to take effect. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this paragraph.~~
- ~~C. Upon receipt and acceptance of a complete application, the Zoning Administrator shall within 5 working days, by letter, notify adjacent property owners of the filing of the application, where and when it can be reviewed and the last date comments will be accepted for consideration.~~
- ~~D. Upon deciding that the application meets all standards set forth in subparagraph 2 below, the Zoning Administrator shall issue an administrative special permit, setting forth the conditions that must be met prior to occupancy of the dwelling.~~
- ~~E. The Zoning Administrator may revoke an Administrative Special Permit granted in D. above at any time on failure of the owner to observe all conditions in connection with the permit that were designated in issuing same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.~~

2. Standards

- A. The applicant must be the owner of record.

- B. The main body (living area) of the structure shall be not less than twenty (20) feet in width as measured at the narrowest point.
- C. The side of the building most nearly parallel to the appurtenant street (including a fully enclosed garage, not a carport) shall be not less than thirty (30) feet.
- D. The tongue, trailer hitch and any other visible transportation appurtenances are removed.
- E. A foundation wall which forms a complete enclosure directly beneath the exterior walls shall be constructed in accordance with County Code requirements for foundations.
- F. The main roof shall have a pitch of not less than 2 1/2:12 and shall be covered with shingles of a type commonly used on site built dwellings.
- G. Exterior siding shall be of materials, colors and finishes commonly used on site built dwellings.
- H. Fenestration shall be rectangular and otherwise similar to that of conventional single family dwellings.

PART 8

5-800

CATEGORY 8 TEMPORARY USES

5-801

Administration

- ~~1. Upon application as provided for in Section 009 above, the Zoning Administrator may issue an administrative special permit for those temporary uses so authorized in Section 3-308 above. Other requests for permits and temporary uses shall be applied for in accordance with requirements for obtaining other special permits and special exceptions.~~
- ~~2. The application for a temporary special permit shall be filed at least three (3) weeks prior to the date on which the permit is to take effect. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this Part.~~
- ~~3. An administrative special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time, or any renewal or extension of such a permit, shall be approved by the BZA, subject to the same procedure as specified in Section 009 above for the original issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.~~

4. ~~Upon the finding that the application does sufficiently comply with the standards set forth for the use in question as well as those general standards set forth in Section 006 above, the Zoning Administrator shall issue an administrative special permit, setting forth the duration of the permit and specifying such conditions as to location, parking, traffic access, screening and safety requirements as will protect the health, safety and welfare of the public and which will protect adjoining properties from any adverse effects of the activity.~~
5. ~~The Zoning Administrator may revoke a temporary special permit (whether it was issued administratively or otherwise) at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.~~
6. ~~An appeal by the person(s) aggrieved by an action of the Zoning Administrator in granting or denying an administrative special permit may be made in accordance with the provisions of Part 3 of Article 13.~~
7. ~~In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty eight (48) hours of the date upon which the appeal is received. Within twenty four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.~~